

## REMARKS

### Introduction

This amendment is responsive to the Office Action mailed December 21, 2007 (hereinafter "Office Action"). Applicants thank the Examiner for the indication of allowable subject matter in Claims 23 and 35. Applicants have carefully considered the issues raised in the Office Action and respectfully request reconsideration and allowance of the claims in view of the foregoing amendments and the remarks set forth below.

### Interview Summary

Prior to discussing the patentability of the claims, the undersigned counsel thanks the Examiner for his time during an interview conducted on March 4, 2008. In the interview, applicants' representatives and the Examiner discussed distinctions between the cited art and the recitations of the claims, and reached an agreement with regards to patentability of claims over the cited art.

### Status of the Claims

Claims 1-41 are pending in the application. In the Office Action, Claims 1-14, 17-22, 24-34, and 36-41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,038,342, to Bernzott et al. (hereinafter "Bernzott"), in view of U.S. Patent No. 6,661,919, to Nicholson et al. (hereinafter "Nicholson"). Claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bernzott and Nicholson, in view of U.S. Patent No. 5,960,448, to Reichek et al. (hereinafter "Reichek"). Claims 29-31 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

In response to the Office Action and pursuant to the discussion in the interview, Claims 1, 3, 15, 19, 20, 23, 29-31, 33-35, and 37-41 have been amended. These amendments are not considered to narrow the scope of the claims. Rather, as discussed in the interview, the amendments are provided to simply improve the readability of the claims. For example, in Claims 1, 3, 15, 19, 20, 23, and 29, applicants have modified the wording "derived from the page image" to simply read "of the page image." In Claims 1, 19, and 29, the recitation "comparison of the text and page image measures" has

simply been rewritten to read "comparison of the measure of the text and the measure of the page image." Furthermore, Claims 29-31, 33-35 and 37-41 have been amended (as suggested in the Office Action) to clarify that the claimed computer-implemented system includes "a computer-readable medium containing computer-executable instructions that, when executed by the processor, cause the system" to perform the stated features. This amendment merely makes explicit that which was already implicit in the claims as originally filed, which recited a processor programmed to perform the stated features. Claims 1-41, which remain pending in the application, are submitted to be in allowable condition.

#### Patentability of Claims 1-28 and 32-41

Claims 1-28 and 32-41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bernzott and Nicholson, and in the case of Claims 15 and 16, additionally over Reichel. Applicants respectfully traverse these rejections.

As discussed in the interview, applicants submit that the cited references fail to teach, disclose, or suggest the combination of features recited in the claims, including at least comparing a measure of the text in a page image with a measure of the page image itself (as recited in amended independent Claim 1), and obtaining and displaying a new image of the page obtained at a resolution higher than the base resolution (as recited in independent Claim 17). Applicants further submit that the cited references fail to teach, disclose, or suggest a multistage method for automated determination of legibility of text in an image of a page, which includes applying first and second tests of legibility (as recited in independent Claim 24).

Accordingly, applicants respectfully submit that Claims 1-28 and 32-41 are in allowable condition, and respectfully request withdrawal of the 35 U.S.C. § 103(a) rejections and allowance of the claims.

#### Patentability of Claims 29-31

Claims 29-31 were further rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants have amended Claims 29-31, as well as dependent claims 33-35 and 37-41,

as suggested in the Office Action. For the record, applicants do not agree with the Office Action where it stated that a computer-implemented system comprising, *inter alia*, a programmed processor "can range from paper on which the program is written, to a program simply contemplated and memorized by a person." A programmed processor is a structurally defined element and does not encompass paper on which a program is written nor does it encompass a program simply contemplated and memorized by a person. Nevertheless, to advance the prosecution of the application, without narrowing the scope of the claims, applicants have amended the claims as noted.

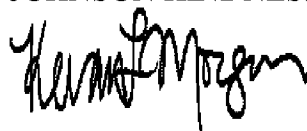
Applicants respectfully submit that Claims 29-31 recite statutory subject matter. In addition, Claims 29-31 are allowable over the cited art for reasons similar to the reasons provided above with respect to Claims 1-28 and 32-41. Applicants request withdrawal of the 35 U.S.C. § 101 and § 103(a) rejections with respect to Claims 29-31 and allowance of the claims.

#### CONCLUSION

In view of the foregoing remarks, applicants submit that all claims are in patentable condition and respectfully request an early notice to that effect. The Examiner is requested to contact the undersigned counsel at the number provided below should any questions or issues remain.

Respectfully submitted,

CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>



Kevan L. Morgan  
Registration No. 42,015  
Direct Dial No. 206.695.1712

KLM:jmb